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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,138	09/09/2004	Antonio Perez Garcia	P/4043-146	1912
2352	7590	05/03/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			BLOUNT, ERIC	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/507,138

Applicant(s)

PEREZ GARCIA, ANTONIO

Examiner

Eric M. Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09092004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fire fighter units, pressure gauges, autonomous breathing unit (ABU) and the “guide line” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d).** If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

2. The title on the first page of the specification is not consistent with the title presented in the declaration filed September 9, 2004. Please indicate the correct title in response to this official office action.

*Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The phrase "guide line" in claims 1, 2, and 5 renders the claims indefinite because it is unclear what limitations are set forth by the phrase. See MPEP § 2173.05(d).

b. Claim 1 recites the limitation "each autonomous breathing unit" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

c. The phrase "the way out" in claim 2, line 3 renders the claim indefinite because it is unclear what type of environment the fire fighter is in (indoors, outdoors, garage, etc.). Since it is unclear what type of environment the fire fighter is in, it is unclear what limitations are set forth by the phrase "the way out".

d. Claim 4 recites the limitation "the bottle" in line 2. There is insufficient antecedent basis for this limitation in the claim.

e. As for claim 4, it is not understood how "approaching the pressure gauge to the personalised fire fighter unit" performs an assignation. There is no teaching of how the pressure gauge and the personalized fire fighter unit interact. Further, there is no mention of a memory for correlating a particular pressure gauge with a particular fire fighter unit.

Claim 4 will not be rejected over the prior art.

f. Claim 5 recites the limitation "the first repeater" in lines 3 and 5. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al [US 2002/0008625 A1] in view of Lepkofker et al [US 2004/0021569 A1].

Regarding **claim 1**, as best understood, Adams discloses a remote accountability system and method that reads on electronic equipment for safety and control of workers as claimed by applicant.

Elements 104, 106, 108, and 102, taught by Adams, read on the claimed repeaters, fire fighter units, pressure gauges, and central system, respectively (see paragraphs 28, 25, 10, and 45). Adams does not specifically disclose that the fire fighter units inform at all times, the location of the fire fighter.

In an analogous art, Lepkofker discloses a personnel and resource tracking method and system for enclosed spaces that comprises repeaters (40), fire fighter units (100) which collect sensor data, and a central system (200). Further, Lepkofker discloses that the fire fighter units inform at all times on the status and location of the fire fighter and of the device itself (paragraphs 21-22). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Adams to include informing method taught by Lepkofker because the combination would result in a system better suited for tracking and monitoring personnel. More specifically, the central station would be able to determine the location of each employee at any time.

As for **claim 2**, as best understood, Adams discloses a repeater unit (104), which reads on the limitations of the claim. The repeater units include audible/visible components for signaling fire fighters, communicate upstream with fire fighter units and downstream with the central station, and acts as a voice repeater when a fire fighter carries a radio transmitter (see paragraphs 28, 39-41 and Figure 3). Adams does not specifically disclose that in each embodiment a thermometer may be incorporated into a repeater unit. However, in one embodiment, the repeater may be located along side of the fire fighter unit. In this case, the temperature sensor provided along with the fire fighter unit would also monitor the repeater. One of ordinary skill in the art at the time of the invention by the applicant would have realized that it would have been useful to monitor the ambient environment of all components within the system and transmit the results to the central station.

Regarding **claim 3**, Adams discloses that a fire fighter unit is automatically activated by a motion sensor, which sends a distress signal to the central system when no motion is detected

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over a certain time (paragraph 53). The fire fighter unit also receives data frames from the pressure gauge when the fire fighter is using an ABU (SCBA) and sends the data frames directly to the central system or through the nearest repeater (paragraph 10). Adams shows that pressure information may be transmitted to the central station. The central system sends warning messages to the fire fighter unit (paragraph 51). Adams does not specifically disclose that the motion sensor emits a sequence indicating that the fire fighter is OK. However, one of ordinary skill in the art would have recognized that an OK signal is a design choice. A skilled artisan would have understood that not receiving a signal would be viewed as an indication of the fire fighter being OK according to the motion sensor. Sending an OK signal would require more power.

As for **claim 5**, as best understood, Adams discloses a central system (102) that receives information from fire fighter units (106) either directly or through repeaters (104) and which emits personalized or collective transmissions to the fire fighter units either directly or through the repeaters (Figures 1, 1B, and paragraphs 50-51).

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

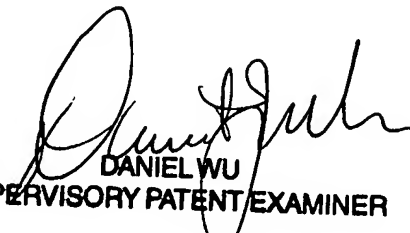
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2612

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DANIEL WU  
SUPERVISORY PATENT EXAMINER  
4/30/06